

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA

Plaintiff,

vs.

DAMION WELLS,

Defendant.

**8:01CR113**

**ORDER**

This matter is before the court on the defendant's motion for certificate of appealability, Filing No. 203, and a request to proceed in forma pauperis sent by the Clerk of Court, Filing No. 206. Defendant previously filed a motion to dismiss, Filing No. 199, which this court denied, Filing No. 200. The defendant was sentenced in this case in 2002; he filed an appeal; he filed for habeas corpus relief which the court denied; the Eighth Circuit dismissed his appeal; he filed a motion to reduce sentence which this court denied; he moved for reconsideration which this court denied; the Eighth Circuit also denied this appeal; and he has filed additional other motions which were denied. He filed the current motion to dismiss, Filing No. 199, alleging the government has no jurisdiction over him. This court denied that motion as frivolous and without merit. Filing No. 200. He then filed for reconsideration, Filing No. 201, and this court also denied that motion for the same reasons. Filing No. 202. Pursuant to Fed. R. App. P. 24, the court likewise finds this motion is not taken in good faith and the defendant is not entitled to proceed on appeal in forma pauperis.

THEREFORE, IT IS ORDERED that the motions for a certificate of appealability, Filing No. 203, and for in forma pauperis status, Filing No. 206, are denied.

Dated this 26th day of June, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge